

REMARKS

In the Office Action, the Examiner allowed claims 1 to 5 and 8 to 10. Applicants have added a new claim 11 which is similar to allowed claim 10 but uses some of the language of allowed claim 4. It is believed claim 11 is allowable as well. Allowed claims 8, 9, and 10 have been amended to correct a typographical error.

When reviewing the specification, numerous typographical errors were noticed. Applicants have therefore generated a substitute specification with the errors corrected. The substitute specification is attached as Exhibit A. **No new matter has been added.** A marked up version of the specification, showing the corrections, is attached as Exhibit B.

In the Office Action, the Examiner rejected claims 6 and 7 based on the patent to Nikoonahad (6,411,390). As noted by the Examiner, Nikoonahad teaches periodically exciting a sample with a pump laser (12). A second laser (32) is used to generate a probe beam. As also noted by the Examiner, Nikoonahad teaches at column 5, line 57-59, that these beams could include ultraviolet wavelengths. While applicants believe that this general comment fails to render obvious applicants' specific claimed ranges (395 to 410 nm and 355 to 365 nm), claim 6 has been amended to better distinguish over the device in Nikoonahad.

Nikoonahad is an interferometric system. In each of the embodiments of Nikoonahad, the beam from laser 32 is split into two probe beams. One of the probe beams is focused collinearly with the pump beam onto the sample surface at spot "A." The second probe beam is focused at spot "B," separate from the pump beam, at a location "substantially unaffected by the pump beam." (Column 3, line 10). Upon reflection, the two probe beams are recombined and sent to a detector. Any vertical displacement of the sample surface due to the periodic excitation at spot A will create path length changes in the probe beam striking spot A. Since the other probe beam focused to spot B is outside the region affected by the pump beam, it will not experience these path length changes and therefore will define a reference beam. The combination of the two probe beams will create interference effects at the detector which correspond to the surface displacements of the sample. (Column 3, line 30+).

In contrast, applicants' apparatus is intended to measure modulated changes corresponding to variations in the optical reflectivity of the sample surface rather than the displacement of the surface. More particularly, only a single probe beam is created and only the changes in power of that single probe beam are measured. In this manner, the measured changes

will correspond to changes in optical reflectivity of the sample rather than changes in displacement of the sample. Claim 6 has been amended to better clarify this distinction.

In view of the above, it is believed that amended, independent claim 6 defines patentable subject matter and allowance thereof, along with claim 7 is respectfully requested. It is noted that claim 7 has been amended to conform to the specification which defines the preferred range as 400 to 405nm rather than stating that range was "between" those wavelengths.

Respectfully submitted,

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Attachments: Exhibit A - Substitute Specification
Exhibit B - Specification with Revisions